

EXHIBIT 13
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HB 174

House Bill 174
March 16, 2011
Presented by Jim Kropp
Senate Judiciary Committee

Mr. Chairman and committee members, I am Jim Kropp, Chief of Law Enforcement of Montana Department of Fish, Wildlife & Parks (FWP). I am here in opposition to House Bill 174.

This is the second legislative session that this bill, or one almost identical to it, has been submitted. It is our belief that the current law that restricts the mere possession of silencers in the "...forest and field" can easily be amended. According to the Bureau of Alcohol, Tobacco and Firearms, there are currently **1,678** suppressor devices possessed in compliance with federal law by **632** people in Montana.

As with the first, bill we met with the sponsor to discuss ways in which we could support it through amendment, specifically, by striking out the portion of 87-3-123 that outlaws the possession "... in the forest and field..." of silenced weapons. It is our view that these shooters and collectors should indeed be able to lawfully use these accessories for plinking, target shooting and even in the taking of non-game animals and predators in the state. At the same time, however, we also concur with the majority of hunters, landowners and Hunter Education Instructors that silencers should not be legalized for the taking of big game animals.

The proponents assert that there has not been any prosecution under 87-3-123 for many years. That is not true. One of the most heinous wildlife crimes that has occurred in recent years, the Ruth case out of Seeley Lake, involved the use of two silenced weapons. Their theft of over 100 trophy-class deer, elk, moose, antelope and other animals at their property resulted in over 50 thousand dollars in fines and restitution and a five-year state prison term for Dean Ruth, plus a lifetime revocation of hunting and fishing privileges. In his sentencing, Missoula Judge John Henson told Ruth, "You're not even a slob hunter. You're simply a killer of wildlife." The belief that those who legally own silenced weapons would not dare to act unlawfully, jeopardizing their possession of silencers as well as the \$200 tax, doesn't pan out. We regularly seize weapons used in the commission of wildlife crimes whose value easily exceeds that of a silenced firearm and the tax. Neither the cost of the tool nor the consequences have been a factor for illicit wildlife activity.

In addition, a case recently prosecuted in Eastern Montana where over 20 deer were illegally taken at night showed that those bent on wildlife crime can accomplish their ends, even in close proximity to houses, as they accomplished without the use of silencers.

We regularly receive calls from landowners, both during hunting season and outside, that they heard a shot, perhaps in a place where hunters shouldn't be or when no permission was granted to hunt. That hearing a shot often is the main lead, not only for wildlife crime but also unlawful livestock crimes as well.

We believe our Second Amendment rights as referenced in the preamble to HB174 are inextricably linked to Montana's Hunting Heritage. Montana's Hunter Education program provides the primary basis to new and young hunters in terms of the standards, values and ethics of our Hunting Heritage. They are a critical element of that. In the year 2010 for example, 1,602 all-volunteer Instructors dedicated 5,540 Archery instructor hours and 27,698 Hunter Ed

instructor hours for a total of 33,238 total hours of service to Montana's hunters of tomorrow, and 10,460 students graduated the program last year. In Hunter Ed, students are taught not simply firearms safety and handling but the outdoor skills, ethics and philosophy of becoming a hunter. Silencers do not have a place there.

The case is made that silencers, by reducing the report of a firearm, make it more pleasant to shoot and even help to meet unprotected hearing standards of the Occupational Safety Administration. As one hunter told me the other day, "On the range I wear hearing protection and practice to be a good shot so in the field I can make that one-shot kill – the ethical and competent hunter's standard. By doing so I also avoid exposing myself to firing numerous times without hearing protection."

Laws under the Title 45 do, indeed, provide a means to prosecute the unlawful use of silenced weapons in a crime. However, FWP officers have no authority to cite under these statutes and so any prosecution of an individual for acts listed in 45-8-336, MCA either would remain un-cited or would have to be initiated by a county attorney.

The number of people who currently legally own silencers pales in comparison to the over 200,000 residents who annually purchase big game licenses in Montana. Thus, if HB174 were passed, this small group would be in essence, driving the standards of Montana's Hunting Heritage.

The argument is put forth that other states allow hunting big game with silencers. That is true. Other states also allow the hunting of deer with dogs; Montana does not. Other states allow the use of spotlights to hunt; Montana does not. Other states even allow hunting over bait and even recognize so-called trophies taken that way; Montana does not. The fact is that we, over the years, have established some basic standards and values when it comes to hunting and the use of silencers to take big game is not one of the standards. We honor the Montana tradition.

In summary, we have had no qualm with the legal possession of silencers for plinking, target shooting or even the taking of non-game and predator wildlife. We attempted to meet the sponsor half-way with a compromise on behalf of shooters and gun enthusiasts who legally possess and enjoying using silencers. That was not acceptable. As such, we now must oppose the bill in its entirety, and do so asking, "What do we want the face of hunting in Montana to look like?" We have a proud hunting tradition and have no reason for silenced weapons in the hunt.

We cannot support the use of silencers in the lawful pursuit of big game in Montana. We urge a no vote on HB174.